

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666(JNE/FLN)

This Document Relates:

PLAINTIFF(S)

16-cv-00515 (*Klosinski v. 3M Co., et al.*)
16-cv-00517 (*Ryan v. 3M Co., et al.*)
16-cv-00836 (*Pease v. 3M Co., et al.*)
16-cv-00837 (*Burleson v. 3M Co., et al.*)
16-cv-00838 (*Plumley v. 3M Co., et al.*)
16-cv-01257 (*Harvey v. 3M Co., et al.*)
16-cv-01259 (*Lance v. 3M Co., et al.*)
16-cv-02000 (*McMillan v. 3M Co., et al.*)
16-cv-02299 (*Redman v. 3M Co., et al.*)

**SUPPLEMENTAL OPPOSITION TO DEFENDANTS’
MOTION TO SHOW CAUSE**

COMES NOW Schlichter Bogard & Denton, LLP, who represents the above captioned Plaintiffs as co-counsel with Goza & Honnold, LLC, the firm identified in Defendants’ Motion for Order to Show Cause Why Cases Should Not be Dismissed for Lack of Product Identification [Doc. 1380], and submits this Opposition as a supplement to the Opposition to be filed by the Plaintiffs’ Steering Committee (“PSC”).

Defense Counsel identified the nine (9) above-captioned cases as cases that should be dismissed absent a showing of good cause based on lack of information that a Bair Hugger Warming System was used in their surgery. It appears that Defendants' contention is based solely on responses made in the Plaintiff Fact Sheet ("PFS") that Plaintiff had no first-hand knowledge related to the use of the Bair Hugger device. As a result, Plaintiff, who lacked first-hand knowledge of the use of Bair Hugger answered "No" as to the usage of Bair Hugger since Plaintiff had not reviewed medical records or other relevant records at the time of serving answers to the PFS.

Defendants' Motion should be denied on grounds that Defendants did not meet and confer with the undersigned counsel, who is identified as co-counsel in each of the above-captioned cases and therefore, did not receive notice of Defendants' Motion until July 30, 2018. As a result, the Schlichter Bogard & Denton, LLP firm has not had sufficient time to produce complete responsive records to Defendants. In the alternative, of the nine (9) cases, Plaintiffs' counsel requests additional time through and including Friday, October 5, 2018, to produce complete records substantiating product identification as to the following two cases:

16-cv-00515 (*Klosinski v. 3M Co., et al.*)
16-cv-00517 (*Ryan v. 3M Co., et al.*)

As to the remaining seven (7) cases, Plaintiffs' counsel is in the process of producing records substantiating product identification, along with Plaintiffs' Supplemental Response to Plaintiffs' Fact Sheet, which counsel anticipates producing prior to August 16, 2018.

Wherefore, the undersigned respectfully requests that Defendants' Motion be denied for the above captioned Plaintiffs.

Dated: August 6, 2018

Respectfully submitted,

/s/ Kristine K. Kraft

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CERTIFICATE OF SERVICE

This is to certify that on August 6, 2018 a copy of the foregoing document was served on all parties via the Court's electronic filing system.

Respectfully submitted,

/s/ Kristine K. Kraft

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